

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

---

**THERMAL DESIGN, INC.,**

Plaintiff,

**Case No. 08-C-828**

**-vs-**

**GUARDIAN BUILDING PRODUCTS, Inc.,  
GUARDIAN BUILDING PRODUCTS  
DISTRIBUTION, INC., GUARDIAN  
FIBERGLASS, INC. and CGI/SILVERCOTE, Inc.,,**

Defendants.

---

**DECISION AND ORDER**

---

The plaintiff, Thermal Design, Inc. (“TDI”), moves to compel discovery from the Guardian Defendants relating to “faced” and “unfaced” metal building insulation (“MBI”). The Guardian Defendants respond that TDI’s requests are overbroad and unduly burdensome because they encompass the thermal performance of uninstalled MBI as well as insulation systems that are not at issue in this case. TDI and the Guardian Defendants are market competitors in the sale of insulation systems, and their competition in that marketplace forms the basis for TDI’s claims. Therefore, the Court agrees that information relating to uninstalled MBI is not particularly relevant to TDI’s claims in this case. Even if TDI’s discovery requests might be reasonably calculated to lead to the discovery of admissible evidence, enforcing the requests would impose an undue burden and extend discovery well

beyond the current discovery period. Fed. R. Civ. P. 26(b)(2)(C)(iii); Affidavit of Michael Metz, ¶¶ 7-9.

TDI also moves to compel the production of an unredacted version of an Asset Purchase Agreement. The Guardian Defendants insist that the redacted portions are irrelevant and confidential. This aspect of the motion is also denied because TDI fails to establish why the information it thinks was redacted is relevant to any claim or defense or “reasonably calculated to lead to the discovery or admissible evidence.” Fed. R. Civ. P. 26(b)(1).

**IT IS HEREBY ORDERED THAT** TDI’s motion to compel [D. 107] is **DENIED**.

Dated at Milwaukee, Wisconsin, this 6th day of January, 2011

**SO ORDERED,**

*s/ Rudolph T. Randa*  
**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**